

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

DEREK SAMPLE,	:	
	:	Civ. No. 15-5487 (RBK)
Petitioner,	:	
	:	
v.	:	<b>MEMORANDUM AND ORDER</b>
	:	
STEPHEN D'ILIO, et al.,	:	
	:	
Respondents.	:	
	:	

Petitioner is a state inmate currently incarcerated at the New Jersey State Prison in Trenton, New Jersey. He is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner did not pay the \$5.00 filing fee. Additionally, petitioner's application to proceed *in forma pauperis* is incomplete. He failed to include the required certification from the appropriate prison official. Indeed, Local Civil Rule 81.2(b) states that, "[w]henever a Federal, State, or local prisoner submits a . . . petition for writ of *habeas corpus* . . . the prisoner shall also submit an affidavit setting forth information which establishes that the prisoner is unable to pay the fees and costs of the proceedings and shall further submit a certification signed by an authorized officer of the institution certifying (1) the amount presently on deposit in the prisoner's prison account and, (2) the greatest amount on deposit in the prisoner's prison account during the six-month period prior to the date of the certification." Therefore, the application to proceed *in forma pauperis* will be denied without prejudice.

As petitioner has neither paid the filing fee nor submitted a complete application to proceed *in forma pauperis*, the case will be administratively closed. Petitioner shall be given an opportunity to reopen this action should he so choose.

Accordingly, IT IS this 14<sup>th</sup> day of July, 2015,

ORDERED that petitioner's application to proceed *in forma pauperis* is denied without prejudice; and it is further

ORDERED that the Clerk shall administratively terminate this case for petitioner's failure to either pay the requisite filing fee of \$5.00 or submit a complete application to proceed *in forma pauperis*; and it is further

ORDERED that if petitioner wishes to reopen this action, he shall notify the Court within thirty (30) days of the date of entry of this Order, in writing; petitioner's writing shall include either: (1) a complete *in forma pauperis* application, including a certified statement of petitioner's institutional account as required by Local Civil Rule 81.2(b); or (2) the \$5.00 filing fee; and it is further

ORDERED that the Clerk shall serve a copy of this Order and a blank form application to proceed *in forma pauperis* in a habeas corpus case by a prisoner on petitioner by regular U.S. mail.

s/Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge